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James D. Ryndak, Reg. No. 28,754

Name of Applicant, Assignee, or Registered Rep.

Signature Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant

Nelson, Brent S.

Confirmation No. 6193

Appl. No.

10/083,975

Filed

Feb. 27, 2002

Title

Plastic Container

Grp./A.U.

1761

Examiner

Steven L. Weinstein

Docket No.

40400-10170

Customer No. :

047050

Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.131

Sir:

- I, Brent S. Nelson, hereby declare and state as follows:
- 1. My name is Brent S. Nelson. I am the named inventor of the captioned application entitled "Plastic Container."
- 2. Since 1999, I have been employed by PepsiCo, which owns Tropicana. I was hired as a packaging engineer with responsibility for development and testing of packaging.
- 3. I conceived of the invention disclosed and claimed in the captioned patent application.

The invention was actually reduced to practice on my behalf and under my 4. control, prior to January 16, 2002, by making a seven layer container in Canada after December 8, 1993. This container was tested and found to be more than satisfactory. Subsequently, I prepared "Quality Assurance Packaging Specifications" on or before January 16, 2002. The aforementioned container thus was prepared at my direction before I prepared the "Quality Assurance Packaging Specifications." The specifications of the "Quality Assurance Packaging Specifications" describe the quality assurance standards for a plastic container having a first (outer) layer of propylene, a second (midouter) layer of adhesive, a third layer of ethylene-vinyl alchohol polymer, a fourth layer of adhesive, a fifth layer of regrind, a sixth layer of adhesive, and a seventh (contact) layer of amorphous nylon. The "Quality Assurance Packaging Specifications" were approved by Donald L. Greenwood, Manager of Packaging Development, formerly of PepsiCo on or before January 16, 2002. Exhibit A is a redacted copy of page 1 of the "Quality Assurance Packaging Specifications," which includes a description of the claimed seven-layer bottle.

I hereby declare that I have read this Declaration Under 37 C.F.R. § 1.131, and that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

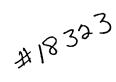
Date: 9/13/05 Brent S. Nelson

Exhibit A

Redacted Copy of Page 1 of the "Quality Assurance Packaging Specifications"



QUALITY ASSURANCE PACKAGING SPECIFICATIONS



TYPE: BOTTLE, PP, 12 FL. OZ.	REVISION DATE
PRODUCTS: Tropicana Smoothies	PREPARED BY: B. Nelson
REFERENCE NUMBER: 2181.010	APPROVED BY: Packaging: Arneld L. Dreenwood Purchasing: Supplier:
REVISION NUMBER:	PAGE: 1 OF 4

Item:

Bottle, PP, 12 fl. oz.

General:

Tropicana drawing no. 11-2517-MD-1009 Rev. A, dated

Opaque multilayer barrier bottle with 2 lead finish

Material:

Virgin PP/ Adhesive/ EVOH/ Adhesive/ Regrind / Adhesive / Amorphous Nylon

<u>Layer</u>	% of thickness	Minimum Thickness(in)	<u>Material</u>
Outer Mid-outer Mid-inner 2 Mid-inner 1 Inner Lower-inner Contact	20. 1.3 2 1.3 72. 1.3	0.006 0.0004 0.0006 0.0004 0.0216 0.0004 0.0006	Virgin Polypropylene Adhesive EVOH Adhesive Regrind Adhesive Amorphous Nylon

Current Approved Materials:

<u>Material</u>	<u>Manufacturer</u>	MFG Number
PP	Phillips	RGN-020
EVOH	Soarus Soamol	DCF3203F
Adhesive	DuPont Bynel	CXA 4126
Nylon	DuPont Selar	PA 3426